

T H E

Modern Addresſes VINDICATED,

A N D T H E

Rights of the Addreſſers aſſerted,

By *D. De Foe.*

*Extracted out of his Book, Intitl'd; The
Original Right of the People of Eng-
land Examined and Aſſerted.*

TH E Houſe of Commons are the Repreſen-
tatives of their Country, an Abridgement
of the many Volumes of the *Britiſh* Nation, to
them is intruſted (joyn'tly with the Q—n and
Lords) the Power of making Laws, raiſing Taxes,
and impeaching Criminals; but how? 'tis in the
Name of all the Commons, whoſe Repreſenta-
tives they are.

What Power, they have, is theirs, as they are a
full and free Representative, I no where attempt
to prove, what Power they have not, poſſibly
the Extenr of their legal Authority was never fully
underſtood, nor have they ever thought fit
to explain it: But this I may be bold to advance,
that whatever Power they have, or may have,
they cannot exerciſe, but in the Name of the
A Commons

Commons of *Great Britain*, and they enjoy them as their Representative, and for their Use.

This is not said to lessen their Authority, nor nor can it be the Interest of any *English* Freeholder, to lessen the Authority of the Commons in Parliament assembled. But for any Man to advance that they are so august an Assembly, that no Objection ought to be made to their Actions, nor no Reflection upon their Conduct, and that it is not to be examined, whether the thing said be true, but what Authority the Person speaking has to say to it, is a Doctrine wholly New, and seems to be a Badge of more slavery to our own Representatives, then ever the People owed them, or then ever they themselves expected.

The Commons may extend their Power to an exorbitant Degree, in imprisoning the Subjects, dispensing with the *Habeas Corpus* Act, withholding Writs of Election, and several other ways, by which, if not check'd by the Q—n or Lords, the Subject is apparently injured.

Breaking in upon personal Liberty, is a thing the Law is so tender of, that I dare not affirm, it is a justifiable Procedure, no not in the House of Commons.

An I think it may pass for a Maxim, that a Man cannot be legally punish'd for a Crime, which there is no Law to prosecute.

Any of these things are Injuries to the Subject, and they cannot be easy to see them, and if they find Reason to object, they may do it by *Petition* or *Address*.

Precedents are of use to the Houses of Parliament (where the Laws are silent), in things relating

lating to themselves. But whether any Precedent, Usage or Custom can make a thing lawful, which the Laws have expressly forbid, remains a doubt with me. Now

*If Kings when they descend to Tyranny,
Dissolve the Bond and leave Subject free.*

Have we not the same Right, in the same Cases against any of the three Heads of the Constitution; I dare not Answer in the Negative, if ever *Vox Dei* is in the People, it cannot be found in the Representatives, but in their Original represented.

What Course then must the People take, if their Representatives exercise the Power intrusted with them to the ruin of the Constitution? Must they submit, and not presume to argue against it, upon any Supposition of Mismanagements.

I can see no Reason for this, for unless we place the Original of the Power of the Commons in the Persons representing, and not in the Persons represented, it cannot be made out, that there ought to be no Complaint upon the score of Mismanagement.

It is not the design of this Discourse, to lessen the Authority of the House of Commons, but whatever Power they have, it is either Inherent or by Deputation; if it be by Deputation, there must be a Power deputing, and that must be Prior, and consequently Superior to the deputed.

I should therefore have been glad, that for the perfecting the Defence of our Constitution, those who begun so well at the Revolution, would have gone forward to Recognize the Power of the People of *England*, and their undoubted Right to Judge of the Infractions made in their Constitution by any of the three Chief Powers, abusing the particular Power vested in them, and have stated fairly what the People are to do, if their Representatives shall hereafter betray the Liberties or Religion of the People they are intrusted with the Defence of. What by the Laws of Nature and Reason is to be expected, and what by the Laws of our Constitution are allowed.

To say it cannot be supposed the House of Commons can ever betray their Trust, is a Compliment no Man is bound to make them. *Humanum est Errare*; we have seen Parliaments err, and do, what succeeding Parliaments have thought fit to undo. And as that which has been, may be, so that may be, which never has been before.

We have seen Parliaments comply with Kings to the Ruin of the Nation, and we have seen Parliaments quarrel with Kings to the overturning of the Constitution, dissolving the House of Lords, and suppressing the Monarchy.

We have seen Parliaments concur so, with the Fate and Fortunes of Princes, as to comply backward and forward, in deposing and re-inthroning alternately two Kings, as Victory put Power into their Hands, I mean *H. 6. & E. 4.* who were Kings and Prisoners 5 or 6 times, and the Parliaments

liament always complied with the Conqueror.

We have seen a Parliament confirm the Usurpation of *Rich. III.* the greatest Tyrant, and most bloody Man that ever *England* brought forth, and another rescind all they had done, and confirm *H. 7.* who really had no Right by Succession.

Afterwards in Matters of Religion, *H. 8.* made a Popish Parliament pull down the Supremacy of *Rome*, and set up the Kings, and afterwards suppress all the Religious Houses in the Nation. His Son pull'd up Popery by the Roots, and planted the Reformation; still the Parliament complied. *Q. Mary* re-establish'd Popery, and unravel'd the Reformation of King *Edward*, and all the Acts of Church and State, relating to her Mother's Divorce, and still the Parliament consented. One Parliament voted *Q. Mary* Legitimate, and *Q. Elizabeth* a Bastard; another legitimated *Q. Elizabeth*, and repudiated *Q. Mary*, *Q. Elizabeth* undid all her Sister had done, and suppress Popery, and all was by Authority of Parliament, so this Parliamentary Power is no more infallible than the Kingly.

So that I hope it is no Offence to say, a House of Commons may be in the Wrong, 'tis possible for a House of Commons to be misled by Factions and Parties, 'tis possible for them to be bribed by Pensions and Places, and by either of these Extreams to betray their Trust, and abuse the People who intrust them, and if the People should have no redress in such a Case, the Nation would be in hazard of being ruin'd by their own Representatives.

Why

Why even to this Day are Gentlemen so fond of spending their Estates, to sit in that House, that 10000 *l.* have been spent at a time to be chosen, and now that way of procuring Elections is at an end, private Briberies and clandestine Contrivances are made use of to get into the House. No Man would give a Groat to sit where he cannot get a Groat honestly by sitting, unless there were either Parties to gratifie, Profits to be made, or Interest to Support.

If then these things are possible, it seems, to me not improper for the People (who have so great a Concern in the Constitution) to be very solicitous, that the due Balance of Power be preserved, and decently, and according to Law, to shew their Dislike and Resentment, at any publick Encroachment, which either Branch of the Constitution shall make on each other or on the whole, be it by their own Representatives, or any where else.

Hence it is reasonable to give them Instructions, which are like the Power given to an Arbitrator, where tho' he is left fully and freely to Act, yet 'tis in Confidence of his Honour, that he will think himself bound by the Directions he receives from the Person for whom he Acts, but if he inverts the design of his Principal he destroys the end of his Election, and is sure never to be intrusted again.

The House of Commons are our Sanctuary against the Oppression of Princes, the Nation's Treasurers, and the Defenders of their Liberties, but all these Titles signify, that at the same time they are but the Nations Servants, what Power they have

have they receive from those they represent, with whom some Powers do still remain, which they never divested themselves of, nor committed to their Representatives.

The House of Commons are also Mortal, as a House, the Q——n may dissolve them, they may die, and be extinct, but the Power of the People has a kind of Eternity, with respect to politick Duration ; Parliaments may cease, but the People remain, for them they were originally made, by them they are continued and renew'd, from them they receive their Power, and to them in Reason, they ought to be accountable.

It cannot be doubted, but the Language of the Addresses of the People, presented to her Majesty, has in general a dislike, included in them, of the Management of their Representatives, and it is plain their Proceedings have been disobliging to the Nation in general.

There is no need to express in Words at length, before her Majesty's Intentions are known, that they desire her to dissolve the Parliament, good Manners require they should not so plainly lead her Majesty in what she is to be the Author of. But what is the meaning of the Expressions in the Addresses : *If your Majesty Pleases to entrust us, with the Choice of a new Parliament, when your Majesty shall be graciously pleased to call a new Parliament, and the like.* What would the Addressers have Us or the Q——n understand by these Expressions, but that the People finding themselves injured by the Proceedings of their Representatives, and the Nation in danger of being abused by the Designs of a Party in the House

House, have recourse to her Majesty, to dispose for them a Power which they see going to be misapplied.

And his late Majesty King *William*, the great Restorer of the *British* Liberties, did on a like Occasion proclaim from the Throne: That when the People do universally express their Resolutions to do, what should or ought to be desired of good *English* Men and Protestants. *It is reasonable to give them an Opportunity to chuse such Persons to represent them in Parliament, as they may judge most likely to bring to Effect their just and pious Purposes.*

F I N I S.

L O N D O N: Printed for J. Morphew near
Stationers-Hall, 1710. Price 1 d.